

(See minority report on page 61.)

Committee Room,
Austin, Texas, May 29, 1923.
Hon. T. W. Davidson, President of the
Senate.

Sir: We, your Committee on
Finance, to whom was referred

S. B. No. 12, A bill to be entitled
"An Act amending the Act passed by
the Thirty-eighth Legislature at its
Regular Session, approved January 31,
1923, the same being H. B. No. 17,
entitled 'An Act requiring the Board of
Water Engineers and the State Rec-
lamation Engineer, in conformity to
the statutes determining their powers
and duties, to make, cause to be made,
and report to the Governor, an ade-
quate topographic and hydrographic
survey of the stream watersheds of the
State, to the end that flood control,
water conservation and economic
utilization in reclamation development
may be made practicable, advancing
all such work as found feasible in ac-
cordance with the relative importance
to the public welfare; directing the
order in which said surveys and re-
ports shall be made; providing for an
appropriation to carry out the pro-
visions of this Act, and declaring an
emergency,' amending said bill so as to
reduce the appropriation therein
made; and declaring an emergency,"

Have had the same under considera-
tion and I am instructed to report it
back to the Senate with the recom-
mendation that it do not pass, but
the committee substitute in lieu
thereof do pass and be not printed.

WOOD, Chairman.

NINTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, May 30, 1923.

The Senate met at 10 o'clock a. m.,
pursuant to adjournment, and was
called to order by President Pro Tem
H. L. Lewis.

The roll was called, a quorum be-
ing present, the following Senators
answering to their names:

Bailey.	Murphy.
Baugh.	Rice.
Bledsoe.	Ridgeway.
Burkett.	Rogers.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent—Excused.

Bowers.	Parr.
Fairchild.	Pollard.

Prayer by the Chaplain.

Pending the reading of the Jour-
nal of yesterday, the same was dis-
pensd with on motion of Senator
Watts.

(See Appendix for committee re-
ports, petitions and memorials.)

Bills on First Reading.

The following bills, introduced to-
day, were read first time and referred
to appropriate committees as follows:

By Senator Murphy:

S. B. No. 16, A bill to be entitled
"An Act granting permission to Dan
A. Japhet to bring suit against the
Board of Prison Commissioners of
the State of Texas, in the district
court of Harris County, Texas, for
the purpose of clearing the title and
perfecting the same in himself, to
that certain tract of land lying partly
in Harris and partly in Liberty
County, Texas, known as the Koker-
not League, against which the Board
of Prison Commissioners has a lien
to secure a judgment in the sum of
seven hundred eighty-six and 35/100
dollars (\$786.35), with interest at
the rate of six per cent from Septem-
ber 6, 1921, which judgment was
recovered by the Board of Prison
Commissioners of the State of Texas,
in a suit against James E. Fergu-
son, in the county court of Walker
County, Texas, which lien was ac-
quired by the abstracting and re-
cording of said judgment in the ab-
stract of judgment records in Lib-
erty County, Texas, and which lien
is alleged by Dan A. Japhet to be

subordinate to and inferior to the liens held against said property by Dan A. Japhet; providing that such suit may be filed within four years after this Act takes effect; and providing that such cause of action shall not be barred until four years after this Act takes effect; and providing for the method of serving the process and for procedure governing the trial and determination of such suit, and declaring an emergency."

To the Committee on Penitentiaries.

By Senators Rice, Witt, Davis, and McMillin:

S. B. No. 17, A bill to be entitled "An Act providing for the collection of an annual fee or tuition from those persons entering and attending the State colleges, normals, Agricultural and Mechanical College, West Texas Technological College, Grubbs Vocational College, John Tarlton College, College of Industrial Arts, and all branches of the University of Texas, and providing that said fees or tuitions shall be remitted to the State Treasurer within a period of thirty days after the collection thereof; and declaring an emergency."

To the Committee on Educational Affairs.

By Senator Bledsoe:

S. B. No. 18, A bill to be entitled "An Act making appropriations for the payment of the salary of the judge of the Ninety-second Judicial District for the months of April, May, June, July and August, 1923; and declaring an emergency."

To the Committee on Finance.

S. J. R. No. 1.

By Senator Murphy:

Whereas, The Legislature has made appropriation for the purpose of constructing roads and a pavilion in the San Jacinto Battle Field Park; and,

Whereas, The people of the city of Houston and of Harris County are willing, anxious and desirous to assist in the construction of the roads, pavilion and accommodations in San Jacinto Battle Field Park; therefore, be it

Resolved, By the Senate and the House jointly, that the Board of Control is hereby authorized to per-

mit the citizens of the city of Houston and of Harris County, individually and through their organizations and fraternal societies, to pay for and erect the posts for the support of said pavilion and the floor in said pavilion, and that said persons, organizations and societies, may be allowed, upon the payment for such, to have the names of the donors inscribed thereon; that all of said work and construction, shall be done by, with and under the approval of the Board of Control of the State of Texas, and the park commissioners of San Jacinto Battle Field Park, who shall have the right to make the plans and specifications and to accept or reject such offers.

The resolution was read and adopted.

S. R. No. 16.

By Senator Murphy:

Whereas, The Hon. Harry Hertzberg, a former member of this body, is now in this Senate; therefore, be it

Resolved, That he be invited to address the Senate.

Ridgeway, Witt, Davis, Holbrook, Wood, Murphy.

The resolution was read and adopted.

The Chair appointed Senators Ridgeway, Witt and Davis to escort Mr. Hertzberg to the President's stand.

Being presented by Senator Witt, Mr. Hertzberg then addressed the Senate.

Memorial Services.

A committee from the House appeared at the bar of the Senate, and being announced, extended an invitation to the Senate to join the House at 11 a. m. today in a memorial service to deceased soldiers of the United States.

On motion of Senator Bailey, the invitation was accepted by a rising vote, and the Chair was authorized to appoint a committee of three to notify the House that the Senate would join them in the memorial service.

The Chair announced the appointment of the following committee: Senators Bailey, Baugh and Thomas.

At the hour of 11 a. m. the Senate stood at ease, subject to the call of

the Chair, and proceeded in a body to the Hall of the House where the memorial services were held.

At the conclusion of the services, the Senate returned to the Senate Chamber and was called to order by President Pro Tem H. L. Lewis.

S. R. No. 17.

By Senator Burkett:

Whereas, Former State Senator H. P. Brelsford of Eastland is in the city; therefore, be it

Resolved, That he be invited to address the Senate and that he be extended the privilege of the floor.

Clark, Burkett, Holbrook, Davis, Darwin, Bledsoe, Bailey, Woods.

The resolution was read and adopted.

The Chair appointed Senators Burkett, Clark and Holbrook as a committee to escort Mr. Brelsford to the President's stand.

Being presented by Senator Burkett, Mr. Brelsford then addressed the Senate.

H. B. No. 18 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 18, A bill to be entitled "An Act to amend Article 7382, Chapter 2, Title 126 of the Revised Civil Statutes of the State of Texas; providing for a graduated increase of gross receipts on telephone companies and providing for reports to be made as now provided by law and records preserved, and declaring an emergency."

The bill was read third time.

Recess.

Senator Floyd moved that the Senate recess until 2 p. m. today.

On motion of Senator Clark, the Senate at 11:55 a. m. recessed until 2:30 p. m. today.

Afternoon Session.

The Senate met at 2:30 p. m. and was called to order by President Pro Tem H. L. Lewis.

H. B. No. 18 on Final Passage.

The Chair laid before the Senate as pending business, on its final passage, H. B. No. 18, levying a tax upon the gross receipts of telephone companies, the bill being under consideration at the time the Senate recessed.

Senator Wood moved to reconsider the vote by which the bill was passed to third reading on yesterday.

On motion of Senator Bailey, the bill, together with the motion to reconsider, was laid on the table subject to call.

H. B. No. 41 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 41, A bill to be entitled "An Act prescribing the method of the county tax collector making remittances to the State Treasurer or any other State officer, board, commission or employee of the State, and prohibiting the payment of exchange on any such remittances; providing that liability shall not cease until actual receipt of money; and declaring an emergency."

The bill was read third time.

Senator Burkett moved to lay the bill on the table subject to call, and the motion was lost.

H. B. No. 41 was then finally passed.

S. B. No. 3 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 3, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other expenses of maintaining and conducting them as follows, to-wit: University of Texas, including the Medical Branch at Galveston, and the College of Mines and Metallurgy at El Paso, Agricultural and Mechanical College, State Experimental Stations, Prairie View Normal and Industrial College, John Tarleton Agricultural College, Grubbs Vocational College, hereafter to be known as the North Texas Junior Agricultural College, College of Industrial

Arts, Texas Technological College, Sam Houston State Teachers College at Huntsville, Southwest Texas State Teachers College at San Marcos, North Texas State Teachers College at Denton, West Texas State Teachers College at Canyon, East Texas State Teachers College at Commerce, Sul Ross State Teachers College at Alpine, Stephen F. Austin State Teachers College at Nacogdoches, South Texas State Teachers College at Kingsville, Texas School for the Blind and Texas School for the Deaf, for the years beginning September 1, 1923, and ending August 31, 1925, and declaring an emergency."

The bill was read second time, and on motion of Senator Wood, was laid on the table subject to call.

S. B. No. 7 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 7, A bill to be entitled "An Act for the purpose of promoting the public school interests of rural schools and those of small towns, of aiding the people to provide adequate school facilities for the education of their children, by the appropriation of two million dollars per year, or so much thereof as may be necessary, for the next two fiscal years, ending August 31, 1924, and August 31, 1925, respectively, allowing the State Board of Education and the State Superintendent of Public Instruction to aid such schools in accordance with the conditions herein specified; providing how such schools shall be located and school buildings constructed, furnished, and maintained; providing certain prerequisites for the granting of such aid, and providing no school having over five hundred scholastics shall receive such aid, giving preference to all school districts in which the available school fund together with the local district tax will not maintain the school six months in the year; limiting the amount which any school may receive; providing for aid for schools where extraordinary conditions prevent schools from meeting stated requirements; providing assistance for such rural schools as will afford instructions and demonstration in home and farm vocations, according to

plans approved by the State Department of Education; providing assistance for small districts which effect consolidation during the next two fiscal years; providing for the expenses of administration by action of the State Board of Education; providing for reports to be made to the State Superintendent of Public Instruction and to the State Board of Education; providing for the manner of payment and disbursement of all money granted under the provisions of this Act; repealing all laws and parts of laws in conflict herewith."

The bill was read second time.

Senator Woods moved to adopt the majority committee report carrying the following amendments:

(1)

Amend S. B. No. 7 by striking out the words and figures "two million dollars (\$2,000,000.00)" wherever they appear in the caption and in the bill, and insert in lieu thereof the words and figures "one million dollars (\$1,000,000.00)."

(2)

Amend S. B. No. 7 by striking out the first paragraph of Section 5 and insert in lieu thereof the following:

"Section 5. In case of extraordinary and unusual conditions, where it can be shown that its own resources are insufficient, the State Board of Education may arrange for the support of a rural school from State Aid Funds for a period not exceeding six months even though the school district be unable to comply with the foregoing conditions; provided, however, that the amount of the tax herein provided for must be voted by the patrons of said school district and cannot be waived by the State Board of Education and, provided further, that the amount granted in no case shall exceed \$300.00."

Senator Darwin moved to adopt the minority adverse report.

On motion of Senator Bailey, the bill was laid on the table subject to call.

H. B. No. 10 on Passage to Third Reading.

Senator Cousins called up H. B. No. 10, relating to tax on gross receipts of oil, which was read the

second time on yesterday and laid on the table subject to call.

The Chair laid the bill before the Senate, together with the majority and minority committee reports.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, May 30, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has postponed indefinitely the report of the Joint Committee on Ways and Means by a vote of 61 yeas, 39 nays. A motion to reconsider was tabled by a vote of 65 yeas, 40 nays.

Respectfully submitted,

C. L. PHINNEY,
Chief Clerk, House of Representatives.

Adjournment.

Senator Bailey moved that the Senate adjourn until 9:30 a. m. tomorrow.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—14.

Bailey.	Rogers.
Baugh.	Strong.
Bledsoe.	Stuart.
Clark.	Thomas.
Lewis.	Turner.
McMillin.	Watts.
Rice.	Wood.

Nays—12.

Burkett.	Holbrook.
Cousins.	Murphy.
Darwin.	Pollard.
Davis.	Ridgeway.
Doyle.	Wirtz.
Floyd.	Woods.

Absent.

Witt.

Absent—Excused.

Bowers.	Parr.
Fairchild.	

Accordingly, the Senate at 4:35 p. m. adjourned until 9:30 a. m. tomorrow.

APPENDIX.

Committee Reports.

Senate Chamber,
Austin, Texas, May 30, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. C. R. No. 3, and find the same correctly enrolled and have this day at 10:45 o'clock a. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber,
Austin, Texas, May 30, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. C. R. No. 5, and find the same correctly enrolled and have this day at 10:45 o'clock a. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, May 29, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Finance, to whom was referred

S. B. No. 7, A bill to be entitled "An Act for the purpose of promoting the public school interests of rural schools and those of small towns, of aiding the people to provide adequate school facilities for the education of their children, by the appropriation of two million dollars per year, or so much thereof as may be necessary, for the next two fiscal years ending August 31, 1924, and August 31, 1925, respectively, allowing the State Board of Education and the State Superintendent of Public Instruction to aid such schools in accordance with the conditions herein specified; providing how such schools shall be located and school buildings constructed, furnished, and maintained; providing certain prerequisites for the granting of such aid, and providing no school having over five hundred scholastics shall receive such aid, giving preference to all school districts in which the available school fund, together

with the local district tax, will not maintain the school six months in the year; limiting the amount which any school may receive; providing assistance for such rural schools as will afford instructions and demonstration in home and farm vocations, according to plans approved by the State Department of Education; providing assistance for small districts which effect consolidation during the next two fiscal years; providing for the expenses of administration by action of the State Board of Education; providing for reports to be made to the State Superintendent of Public Instruction and to the State Board of Education; providing for the manner of payment and disbursement of all money granted under the provisions of this Act; repealing all laws and parts of laws in conflict herewith."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, with the following amendments:

Amendment No. 1.

Amend S. B. No. 7 by striking out the words and figures "two million dollars (\$2,000,000.00)" wherever they appear in the caption and in the bill, and insert in lieu thereof the words and figures "one million, five hundred thousand dollars (\$1,500,000.00)."

Amendment No. 2.

Amend S. B. No. 7 by striking out the first paragraph of Section 5 and insert in lieu thereof the following: "Section 5. In case of extraordinary and unusual conditions, where it can be shown that its own resources are insufficient, the State Board of Education may arrange for the support of a rural school from State aid funds for a period not exceeding six months even though the school district be unable to comply with the foregoing conditions; provided, however, that the amount of the tax herein provided for must be voted by the patrons of said school district and cannot be waived by the State Board of Education; and, provided further, that the amount granted in no case, shall exceed \$300.00."

DARWIN.
LEWIS.
BURKETT.

(Minority Report.)

Committee Room,

Austin, Texas, May 29, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Finance, to whom was referred

S. B. No. 8, A bill to be entitled "An Act to appropriate six million dollars (\$6,000,000.00) out of the general funds of the State to aid all the public schools for the scholastic years beginning September 1, 1923, and September 1, 1924, and ending August 31, 1924, and August 31, 1925, respectively, the same to be distributed as the available school funds are now distributed."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, without amendment, and be not printed.

DARWIN.
LEWIS.
BURKETT.

Committee Room,

Austin, Texas, May 30, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 2, A bill to be entitled "An Act relative to the levying of occupation taxes upon individuals, companies, corporations and associations pursuing any of the occupations, that is viz., express companies, gas, electric light, power or waterworks, collecting or commission agencies, car companies, interurban and electric railway companies and telephone companies."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

WITT, Chairman.

TENTH DAY.

Senate Chamber,

Austin, Texas,

Thursday, May 31, 1923.

The Senate met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem H. L. Lewis.